#### COMMONWEALTH OF KENTUCKY

#### BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION	)	
INC. AND NEXTEL WEST CORP. FOR ISSUANCE	)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CONSTRUCT A WIRELESS	)	CASE NO.
COMMUNICATIONS FACILITY AT 571 MCKINLEY	)	98-203
STREET IN THE TRUNKED SMR LICENSE AREA	)	
IN THE COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF FAYETTE	)	

### ORDER

The Commission has received the attached letters regarding the proposed telecommunications services facility to be located at 571 McKinley Street, Lexington, Fayette County, Kentucky.

### IT IS THEREFORE ORDERED that:

- Crown Communication Inc. and NEXTEL West Corp. ("Applicants") shall respond to the concerns stated in each letter by certified mail, within 10 days from the date of this Order.
- Applicants shall file a copy of the certified letters and dated receipts, within
   days of the date on the receipt.

Done at Frankfort, Kentucky, this 16th day of June, 1998.

ATTEST:

Vocutive Director

PUBLIC SERVICE COMMISSION

For the Commission

Sir

Crown Communications has applied to Construct a Cellular tower at 571 mekinley St. Lexington by

148 Pine St. within 500 /t. From the tower. I feel that a realth rish is very possible and would like to oppose the Construction so close to my home.

JOHNSON WHOLESALE 157 South Forbes Road Lexington, KY 40511

> Case # 98-203 Site # 018KYE

Sincerely, Jim Johnson

5/22/98



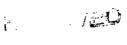
## **Lexington-Fayette Urban County Government**

Department of Housing & Community Development • Division of Planning • Current Planning

May 20, 1998

Helen C. Helton, Executive Director Public Service Commission P. O. Box 615 Frankfort, KY 40602

RE: PSC Case Number 98-203 (571 McKinley Street)



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Dear Ms. Helton:

The Lexington-Fayette Urban County Government (hereinafter referred to as LFUCG) wishes to state concerns regarding the above-captioned amended application for a cellular tower and equipment shelter for property located at 571 McKinley Street. The information provided to date by Crown Communications and Nextel West Corporation is not detailed enough for us to properly determine all potential impact of the proposed 220' tower upon the existing development on this site and the surrounding neighborhood. From the information we have it received, it appears that this tower is proposed to be located in the midst of a residential neighborhood which has been the subject of housing rehabilitation efforts.

I specifically request that the following items be provided for our review, or otherwise addressed as appropriate:

- 1. A copy of the application filed with the PSC; in particular, a detailed plan (to scale) showing how the proposed tower would be sited in relation to the existing development (buildings, parking, etc.) on this property.
- 2. A map depicting the maximum potential search ring for locating a cell tower in this area. The LFUCG needs this information to assess whether or not alternative sites may exist.
- 3. The immediate vicinity of the proposed tower contains large areas of industrial, warehousing and other commercial development. The LFUCG desires information as to why these non-residential areas were not chosen as the site for the proposed tower.
- 4. Addition of a condition by the PSC that the tower be removed if it ever ceases to be used as a cellular transmitting facility.
- 5. Information as to proposed screening/buffering of the proposed facilities from adjoining property.

The LFUCG also wishes to state that it has received a number of inquiries of concern from citizens and social service agencies from this and has advised them to contact the PSC so that

each may become a party of record in this case.

This letter is to establish the LFUCG as a party of record in this case. The LFUCG will continue to review the application and any response received in the hope that any concerns can be addressed short of requesting intervention. The Lexington-Fayette Urban County Government looks forward to a response from the applicant and/or the Public Service Commission on these requests.

Sincerely,

Christopher D. King

Planning Manager

C: Pam Miller, Mayor (c/o Charlie Boland)

Cellular Tower Committee Members

Councilmember Dick DeCamp

CAO Ken Kerns

Foster Ockerman, Jr., Counsel for Crown/Nextel

Ck/ctowers/helton8



Executive Director's Office Public Service Commission of Kentucky P.O. Box 615 Frankfort, Ky. 40602 MAY 2 6 1998

PURLY SERVICE

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Reference: Case No. 98-203

Dear Sirs:

This letter is written to express our opposition to the placement of a cellular phone tower at 571 McKinley St., Lexington, Ky. This property is in the middle of a residential neighborhood that would be better served by the building of an affordable home on it.

The areas of Davistown, Irishtown and Davis Bottom are areas where families of low to moderate incomes reside, many already in less than acceptable living conditions. Since it is not known what affect these towers have on the people who reside near them and since many of these families already suffer from medical problems, there is no reason this tower and its possible side affects should plague this neighborhood.

These towers are not being accepted in middle and upper income neighborhoods and they should not be accepted in this neighborhood either. These families should enjoy the same peace of mind and safety as all others in our community.

The owner of this property would be best advised to consider providing affordable, decent housing for a family in this neighborhood on this site and Crown Communication should find a less inhabited space on which to mount its tower. We see no advantage for this neighborhood in having such an eyesore in the midst of it. We request you deny approval of the placement of this tower in this neighborhood.

Yours sincerely,

Mary Jo Votruba
Executive Director



# Nathaniel United Methodist Mission

P.O. Box 31 Lexington, Kentucky 40501-0031

MAY 2 6 1998

May 21, 1998

Rev. Deborah Whitmer Director and Pastor

Mission: (606) 255-0062

Attn: Executive Director
Commission Members
Public Service Commission Of Kentucky
P.O. Box 615
Frankfort, KY 40602

Dear Executive Director and Members of the Public Service Commission of Kentucky:

I am writing as a representative of the Board of Directors of Nathaniel United Methodist Mission concerning Case No. 98-203, the request of Crown Communication, Inc. for a certificate of Public Convenience and Necessity to construct a tower and support structure at 517 McKinley Street, Lexington, Kentucky. We ask that the Public Service Commission deny the certificate.

The Mission has served the people of the Davistown and Irishtown neighborhoods for over fifty years. The Mission is in a long range planning process with community persons, local institutions and civic and governmental agencies. One of our goals is restoring and redeveloping our neighborhood. The Mission is located directly across the park from the proposed tower.

Our neighborhood is zoned mixed residential and light industrial and is near warehouses and a metal recycling operation. The proposed location of the tower is an undeveloped lot, surrounded by houses, at the edge of a busy park. The Mission Board, community residents and others involved in restoring the neighborhood are concerned about the appearance of the tower, the loss of property available for residential use and possible hazards for children and youth.

In the summer of 1995, sixty persons from the Mission and other neighbors, helped by the Plumbers and Steamfitters Local 452, remodeled the park. We made play areas and lobbied for an attendant in the summer. Work groups from the Mission paint and help maintain the grounds. The park is used by people of all

ages from around the neighborhood. It is a source of community pride. A 250 foot metal tower and support structures will detract from the appearance of the park.

Lexington has a shortage of decent, affordable housing for low income families. Groups such as Habitat for Humanity, Housing Equity Association of Lexington, and REACH are searching for property in this neighborhood. Most of the people in our area are the working poor. Our neighborhood is within easy walking distance of employment opportunities for service and maintenance workers. The Lexington development plan for this area calls for "residential infill" with various types of housing. People need the housing and the downtown businesses need workers. We are trying to increase the residential opportunities in this area. A communication tower takes property from residential to commercial use when the greater need is for homes.

Over 200 persons under age eighteen live in the immediate vicinity of the site of the proposed tower. We are concerned that an unattended tower and support facilities will be an attraction for vandalism and hazardous adventures of our younger neighbors. A short distance from this residential area are a number of businesses and homes surrounded by businesses where the communication tower would not be such a novelty. It would be better to locate the proposed tower away from children's play areas.

If you need further information, please feel free to contact me.

Sincerely,

Rev. Pelmah Whitmen

Deborah S. Whitmer, Executive Director Nathaniel United Methodist Mission

cc: Mrs. Peggy Parker 120 Loch Lomond Drive Lexington, KY 40517



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MAY 2 6 1998

FUELIO EBRVICE COMMISSION

May 21, 1998

Executive Director's Office Public Service Commission of Kentucky Post Office Box 615 Frankfort, Kentucky 40602

RE:

Case No: 98-203

Dear Director:

On behalf of the children and families I serve, I would like to express my concern about the building of a cellular radio telecommunication tower at 571 McKinley street. This area is highly populated with children and young adults who play in the nearby park year-round. A 220 foot tower will diminish the only park in the area.

Many people are restricted to this area because of lack of resources and transportation. Just like other neighborhoods, they deserve a park free from obstructions. If this tower is built, I can only believe that the potential for accidents and danger will be great.

Please accept this letter AGAINST the building of the telecommunication tower. Help our children have a safe place to play.

Sincerely,

Manchester Center, Inc.

Muchell Edwards

Michelle Edwards

**Executive Director** 



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Ronnie Ylinda Johnson 736 W Pine st LEX, Ky, 40508 MAY 26 1998.

Case # 98-203 To Gecutive Director's Office

Regarding the tower that Crown Commissions is trying to put up on 571 Mc Kinley It in Fagette Co. Ky I have heard a lot about the towers and would like to know more on these part. I believe if there were nothing to it they would not have had to send notice to anybody who live within 500' around the tower, Before they are granted a penith to build the tower I would like to know if there are any danger or if it will cause the property value to go down

Romine Johnson Linda Johnson



# Nathaniel United Methodist Mission

P.O. Box 31 Lexington, Kentucky 40501-0031

Rev. Deborah Whitmer Director and Pastor

Mission: (606) 255-0062

May 20, 1998

Executive Director's Office
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, KY 40602

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MAY 2 6 1998

FUELL D SERVICE CRAFF (BSFOM

RE: Case No.: 98-203

To the Office of the Executive Director:

In response to the Crown Communication, Inc. letter of 5 May 1998, Nathaniel United Methodist Mission and residents of the Davistown - Irishtown neighborhoods request that the Public Service Commission deny Crown Communication's application for a Certificate of Public Convenience and Necessity to construct a cellular radio telecommunication tower at 571 McKinley Street, Lexington, Kentucky.

The Mission and neighborhood residents request the application be denied for the following reasons. First, the proposed site at 571 McKinley Street sits adjacent to South End Park, a neighborhood park recently restored in a joint venture between the city and neighborhood residents and used year round by all age groups. The 240 foot telecommunication tower would be both aesthetically offensive and pose potential safety concerns for neighborhood children using the park. Second, the proposed site is a vacant lot surrounded by low income housing. Construction of the tower and support facilities would eliminate a potential site for housing in an area where a shortage of low income housing exists. Third, neighborhood residents have health concerns about the existence of a telecommunication tower located in the center of their community and next

door to so many of their homes. Finally, the proposed telecommunication tower runs counter to the development plans of neighborhood agencies and residents who are seeking to revitalize the neighborhood. The plan for revitalization includes increasing residential housing units, the further development of a cohesive neighborhood association, and the completion of projects that will enhance neighborhood pride and accomplishment. Construction of the proposed telecommunication tower would only hinder the process of revitalization without offering any potential benefits for the community.

Nathaniel United Methodist Mission and neighborhood residents are committed to the responsible development and revitalization of the Davistown - Irishtown neighborhoods. Future correspondence and comments should be addressed to: Attn.: James Pruitt and Robert Brown, Nathaniel United Methodist Mission, P.O. Box 31, Lexington, Kentucky 40588.

Sincerely,

James Pruitt

Director of Youth Services

Somes H. Prutt II

Nathaniel United Methodist Mission

Sincerely,

Resident 613 DeRoode Street

MAN 2. The individuals listed below are residents of the Davistown - Irishtown neighborhoods who wish to register their opposition to the proposed telecommunication tower to be constructed at 571 McKinley Street. They also wish to add their signature to the attached letter.

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